



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



### **SUMMARY MINUTES – DECEMBER 2, 2008**

**OPEN SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**MEMBERS PRESENT:**

**Sean Harrigan, President**

**Richard Costigan, Vice President**

**Maeley Tom, Member**

**Anne Sheehan, Member**

**Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER**

- Suzanne M. Ambrose

- On Thursday, December 4, 2008, the Executive Officer will be attending a Board meeting in Ontario for the Governor's Committee for employing people with disabilities.
- On Friday, December 5, 2008, the Executive Officer will be attending the CPS Board meeting.
- SPB staff is finishing the online Attorney exam this month. The programming has been completed and the exam is in the testing phase. SPB hopes to have the test available by the end of this month. The Executive Officer commended SPB staff, labor agency volunteers and all the participating Departments for working diligently on this project and completing the project in a timely manner.
- Since 2007, SPB has done 46 online exams, and currently SPB staff is working on 13 more. Along with the 40 online exams prior to 2007, there will be in excess of 100 online exams, which will be a tremendous savings of staff time and resources statewide.
- Since July 1, 2008, SPB has conducted 5,800 tests in its testing center. They are primarily clerical classifications exams and it equates to approximately 24,000 tests a year.

**3. REPORT OF THE ACTING CHIEF COUNSEL**

- Bruce Monfross

- Walker v. Schwarzenegger - We have received notice that SEIU has voluntarily dismissed the writ petition in this case, involving SEIU's challenge to the executive order terminating intermittent and other temporary employees.
- CDCR v. SPB/Aaron Ralls - We have received a writ petition filed by CDCR that appears to be an interlocutory appeal from the ALJ's denial of a request for a continuance. CDCR says it was denied a fair hearing because the ALJ denied a continuance in order to enable the department to prepare a rebuttal witness to appellant's use of force expert. Petition is plead under 1094.5 and appellant is named as RPI. We anticipate filing a Notice of Appearance in the case.

- Karen Patch v. SPB/DGS - We have received a writ petition challenging the board's non-precedential decision denying appellant's whistleblower complaint and discrimination/merit issue complaint. We anticipate filing a Notice of Appearance in the case.
- Auwana Brown v. SPB/CSU-Fresno - We have received an order from the Fresno County Superior Court denying the petition for writ of mandate filed by Auwana Brown concerning the Board's non-precedential decision that dismissed her appeal on the grounds that she had resolved her dispute with CSU by entering into a settlement agreement wherein she resigned her employment in exchange for payment of \$275,000, and that CSU did not violate any public policy when it refused to permit her to withdraw her resignation.

**4. REPORT ON THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

- Anne Sheehan

- Member Sheehan gave a brief report on the activities of the California Public Employees Retirement System. Her report is attached.

**5. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR DECEMBER 16, 2008, IN SACRAMENTO, CALIFORNIA.**

NONE

**6. NEW BUSINESS**

NONE

**7. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

NONE

**8. LIMITED THREE-RANKS PILOT PROJECT: REQUEST TO ADD A CLASS TO THE PILOT PROJECT**

- Michael Davis, HR MOD Representative
- Bill O'Neil, Director, Department of Education
- Terry Lawhead, SEIU Local 1000 Representative
- Don Killmer, SEIU Local 1000 Representative

On November 3, 2008, a hearing was held during which the Department of Education requested the addition of the class of Education Programs Consultant to the Three-Rank Eligible List Pilot Study. This hearing will allow interested parties to provide information to the Board regarding subsequent interaction between the Department and SEIU, the exclusive representative for the classification.

**ACTION: SUBMITTED**

**9. ORAL ARGUMENT**

In the matter of **PSC 08-11**. Appeal of the Department of Motor Vehicles from the Executive Officer's August 11, 2008, Decision disapproving a Personal Services Contract for Information Technology Services.

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matters submitted at prior hearing.

[Government Code Sections 11126(c)(3), 18653(3)]

**11. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

**12. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.

[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v.

Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

13. **RECOMMENDATIONS TO THE LEGISLATURE**  
Deliberations on recommendations to the Legislature.  
[Government Code section 18653]
14. **RECOMMENDATIONS TO THE GOVERNOR**  
Deliberations on recommendations to the Governor.  
[Government Code section 18653]
15. **EMPLOYEE PERSONNEL MATTER**  
Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**BOARD ACTIONS:**

16. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE OCTOBER 21, 2008 AND NOVEMBER 3, 2008, BOARD MEETING.**

**ACTION: ADOPTED**

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye**

17. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE OCTOBER 21, 2008 AND NOVEMBER 3, 2008, CLOSED SESSION BOARD MEETING.**

**ACTION: ADOPTED**

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye**

18. **RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**

**ACTION: ADOPTED**

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye**

19. **ELECTION OF BOARD OFFICERS**  
On December 2, 2008, the Board unanimously elected Ms. Sheehan to serve as the President, and unanimously elected Mr. Costigan to serve as the Vice President. Additionally, the Board also unanimously elected Ms. Clarey to serve as the Board's representative to the California Public Employees' Retirement System (CalPERS) Board of Administration for calendar year 2009.

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey - Aye**

**20. ADOPTION OF THE PROPOSED STATE PERSONNEL BOARD 2009 MEETING SCHEDULE**

**ACTION: ADOPTED**

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey - Aye**

**21. SUBMITTED ITEMS**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

**A. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST**

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

**NO ACTION**

**B. STATE EMPLOYEE MEDIATION PROGRAM**

SPB Staff presented different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties were invited to comment. Staff will meet with Stakeholders to obtain additional input and report back to the Board.

**NO ACTION**

**C. PERSONAL SERVICES CONTRACT 08-10**

Appeal by the Department of General Services from the Executive Officer's May 19, 2008, Decision disapproving a Personal Services Contract for Information Technology Services.

**The Board issued a decision disapproving the Personal Service Contract for Information Technology Services.**

**D. RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES**

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

**NO ACTION**

**E. CAREER EXECUTIVE ASSIGNMENT (CEA) REGULATIONS**

A public hearing was conducted to provide interested parties an opportunity to address the Board concerning whether the Board should promulgate regulations that address the following issues:

1. Should CEA be defined as a single classification or separate classifications based on pay band?
2. Should an examination be required for CEA realignments “in place”?
3. Should an examination be required to transfer an incumbent CEA to a different CEA position at a higher level regardless of the appointing authority?

**NO ACTION**

**F. CAREER EXECUTIVE ASSIGNMENT (CEA) PROCESS CHANGES RECOMMENDED BY THE CEA TASK FORCE**

The CEA Task Force recommended to the Board full implementation of the changes to the process used to allocate positions to the CEA category that were piloted with a limited number of state departments since May 2008. Interested parties provided input to the Board before it makes a decision on the Task Force’s recommendation.

**ACTION: The Board adopted the CEA process changes recommended by the CEA Task Force. PEGC’s requested revisions have been added to the new process.**

**22. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES**

On December 2, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey - Aye**

**A. BOARD CASES SUBMITTED**

**(1) CASE NO. 06-2706PA**

Appeal from dismissal

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted April 7, 2008.

Transcript prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument heard November 3, 2008, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) CASE NO. 04-1782A**

Appeal from constructive medical suspension

**Classification:** Correctional Counselor I

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected June 24, 2008.

Transcripts prepared.

Oral argument heard October 3, 2008, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(3) CASE NO. 06-2737PA**

Appeal from dismissal

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted April 22, 2008.

Transcripts prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument heard November 3, 2008, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**B. ORAL ARGUMENTS**

NONE

**C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER**

NONE

**D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS**

**PROPOSED DECISIONS AFTER HEARING**

**(1) CASE NO. 08-0025**

Appeal from 49 work day's suspension

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision.



- (2) **CASE NO. 08-2346**  
Appeal from five percent reduction in salary for six months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- (3) **CASE NO. 07-3362**  
Appeal from dismissal  
**Classification:** Officer  
**Department:** Department of California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- (4) **CASE NO. 07-3272**  
Appeal from constructive medical suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- (5) **CASE NO. 07-1924**  
Appeal from five percent reduction in salary for three months  
**Classification:** Senior Psychologist, Supervisor  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- (6) **CASE NO. 06-2910 & CASE NO. 06-2962**  
Appeals from five percent reduction in salary for nine months and five percent reduction in salary for six months  
**Classification:** Correctional Officers  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- (7) **CASE NO. 06-1744**  
Appeal from demotion  
**Classification:** Disability Evaluation Analyst II  
**Department:** Department of Social Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision.

- (8) **CASE NO. 07-3338**  
Appeals from five day suspension and involuntary transfer  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- (9) **CASE NO. 07-4505**  
Appeals from five percent reduction in salary for 12 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

**E. PETITIONS FOR REHEARING**

- (1) **CASE NO. 07-0083P**  
Appeal From dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (2) **CASE NO. 07-2790P**  
Appeal from rejection during probation  
**Classification:** Tax Technician, FTB  
**Department:** Franchise Tax Board  
**ACTION: DENIED**

**F. PENDING BOARD REVIEW**

- (1) **CASE NO. 07-3421PA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Pending transcript.

- (2) **CASE NO. 05-4338EA & 05-4339A**  
Appeal from denial of reasonable accommodation and  
constructive medical termination  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and  
Rehabilitation  
Proposed decision rejected September 23, 2008.  
Transcripts prepared.  
Oral argument set for December 2, 2008, San Francisco.
- (3) **CASE NO. 08-0440A**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and  
Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Pending transcript.
- (4) **CASE NO. 07-1749PA**  
Appeal from automatic resignation  
**Classification:** Youth Correctional Officer (Permanent-  
Intermittent)  
**Department:** Department of Corrections and  
Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Pending transcript.
- (5) **CASE NO. 07-3873PA**  
Appeal from dismissal  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and  
Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Pending transcript.

**23. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY  
CASES**

On December 2, 2008, the Board took the following action on the cases  
listed as presented by Bruce Monfross, Acting Chief Counsel, California  
State Personnel Board.

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey - Aye**

**A. WITHHOLD APPEALS**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 07-3960N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and negative employment history.  
**ACTION: DENIED**
- (2) **CASE NO. 07-0142N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history.  
**ACTION: DENIED**
- (3) **CASE NO. 07-3249N**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.  
**ACTION: GRANTED**
- (4) **CASE NO. 07-5885N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; lifetime firearms prohibition.  
**ACTION: DENIED**
- (5) **CASE NO. 07-5740N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative driving history.  
**ACTION: DENIED**
- (6) **CASE NO. 07-5279N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information and negative employment history.  
**ACTION: DENIED**

- (7) CASE NO. 07-4072N**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; arrest/conviction record and negative law enforcement contacts.  
**ACTION: DENIED**
- (8) CASE NO. 07-5290N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; misdemeanor conviction within one year of application.  
**ACTION: GRANTED**
- (9) CASE NO. 07-4415N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omission of pertinent information and negative law enforcement contacts.  
**ACTION: DENIED**
- (10) CASE NO. 07-6040N**  
**Classification:** Public Safety Dispatcher II  
**Department:** California Highway Patrol  
**Issue:** Suitability; drug use and furnishing inaccurate information.  
**ACTION: DENIED**
- (11) CASE NO. 07-1364N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; gang affiliation.  
**ACTION: GRANTED**
- (12) CASE NO. 07-5301N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history, omitting pertinent information and furnishing inaccurate information.  
**ACTION: DENIED**

- (13) **CASE NO. 07-3205N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; failure to disclose pertinent information.  
**ACTION: DENIED**
- (14) **CASE NO. 07-6264N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION: GRANTED**
- (15) **CASE NO. 07-5958N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; felony conviction.  
**ACTION: DENIED**
- (16) **CASE NO. 07-1514N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information and gang affiliation.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

**CASES HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 06-4633N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (2) **CASE NO. 06-4641N**  
**Classification:** Special Agent  
**Department:** California Department of Justice  
**ACTION: DENIED**

- (3) **CASE NO. 07-0510N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**

C. **EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT  
ISSUE COMPLAINTS**

NONE

D. **RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,  
VOIDED APPOINTMENT APPEALS**

**RULE 211**

NONE

**RULE 212**

NONE

**VOIDED APPOINTMENT**

NONE

E. **REQUEST TO FILE CHARGES CASES, PETITION FOR  
REHEARING**

**REQUEST TO FILE CHARGES CASES**

NONE

24. **ANNOUNCEMENT OF ACTION TAKEN ON NON-HEARING AGENDA  
ITEMS**

On December 2, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey - Aye**

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD  
OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO  
ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS,  
ALTERNATE RANGE CRITERIA, ETC.**

**(1) ALTERNATE RANGE CRITERIA (ARC) 196**

The Department of Social Services proposes changes to ARC 196 for Licensing Program Analyst. The revisions are patterned after the recent changes made to Staff Services Analyst (General) Alternate Range Criteria and will allow for the effective recruitment of college graduates.

**ACTION: ADOPTED**

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

<b>Title</b>	<b>Class Code</b>
• Supervisor of Photography	2842
• Chief of Mobile Equipment Operations	6885
• Supervising Water Resource Control Engineer (Managerial)	3850
• Social Service Administrator II	9406
• Prison Industries Superintendent I (Swine Abattoir)	7134
• Prison Industries Superintendent I (Swine Production)	7135
• Prison Industries Superintendent I (Key Entry)	7180
• Prison Industries Superintendent I (Micrographics)	7181
• Prison Industries Superintendent I (Textile Mill)	7279
• Prison Industries Superintendent II (Key Entry)	7184
• Prison Industries Superintendent II (Textile Mill)	7282
• Prison Industries Superintendent II (Micrographics)	7185
• Prison Industries Superintendent II (Swine Production/Abattoir)	7140
• Community Program Administrator II	8340
• Grain and Commodity Supervisor I	0724
• Grain and Commodity Supervisor II	0356

**ACTION: The Board abolished all classes except the Supervising Water Resource Control Engineer, per the request of the Department of Water Resources.**



**C. BACKDATE OF APPOINTMENTS**

- (1) CASE NO. 08-01BD**  
Request to Backdate Appointment  
**Classification:** Office Building Manager II  
**Department:** State Compensation Insurance Fund  
**ACTION: ADOPTED**
- (2) CASE NO. 08-05BD**  
Request to Backdate Appointment  
**Classification:** Senior Vocational Rehabilitation Counselor, Qualified Rehabilitation Professional  
**Department:** Department of Rehabilitation  
**ACTION: ADOPTED**

**25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

- (1) CHIEF DEPUTY DIRECTOR**  
The Department of Toxic Substances Control proposes to allocate the above position to the CEA category. This position will be responsible for the development and administration of department-wide policies, laws, and regulations relating to the Department's mission and vision. This position will represent the Director with external and internal stakeholders to identify stakeholder needs and the Department's ability to address those needs.

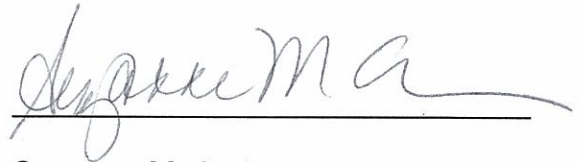
**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**NONE**  
**ACTION: NOTED**

**ADJOURNMENT**

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on January 14, 2009.

VOTE: Sheehan, Costigan, Tom, Clarey – Aye

A handwritten signature in dark ink, appearing to read "Suzanne M. Ambrose", is written over a horizontal line.

Suzanne M. Ambrose  
Executive Officer  
California State Personnel Board

**Anne Sheehan  
CalPERS Update  
November 2008**

**CalPERS Total Fund**

As of September 30, 2008, the total value of the fund was approximately \$213.5 billion. For the one year period ended September 30, 2008, the gross rate of return was approximately -15.68%. For the fiscal year-to-date period ended September 30, 2008, the gross rate of return was -10.77%.

**Policy on Disclosure of Communications**

The Board approved the policy requiring board members to file the legally-required disclosure of communications regarding prospective investment transactions with the General Counsel, in addition to filing the disclosure with the CEO and the Board as currently required by law, and that the Board postpone consideration of the remaining portions of the proposed policy until a later date.

**Long-Term Care Group Contract Extension**

The Board approved the extension of the Long Term Care Group Inc.'s contract for an additional twelve month period.

**National Coalition on Health Care Membership**

The Board approved increasing CalPERS dues to the National Coalition on Health Care membership from \$15,000 to \$30,000 for a three-year period.

**Draft Audited Financial Statements**

The Board approved the acceptance of the Basic Financial Statements, the Required Supplemental Schedules, and the Supporting Schedules and Agency Funds, as audited by Macias Gini and O'Connell, LLP, for the year ended June 30, 2008.

**Budget Increase Due to 2008-09 Budget Change Proposals and Spring Finance Letter**

The Board approved an increase to the Contingency Reserve Fund of \$1,873,000 and 15.0 positions in the Fiscal Year (FY) 2008-09 Administrative Budget and recommend the Board of Administration approve this revised budget. The 15.0 positions approved through this action, except for those positions which are already filled, the remaining positions shall not be filled until approved by the Board of Administration.

**CIO and CEO Searches**

The Subcommittees for the two searches continue their work in reviewing the resumes for applicants. The Board is on target to have both positions filled by early 2009.